



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,265	07/06/2001	Kazuhiro Yabuta	JP920000193US1	7588
36736	7590	05/09/2006	EXAMINER	
DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			FADOK, MARK A	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/900,265		YABUTA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Mark Fadok		3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 1/28/2005, which was received 8/26/2005. The examiner has discussed the pendency with Mr. Yogesh Garg (acting SPE) as requested in the 2/24/2006 correspondence and as requested prosecution is considered complete with the submittal of this final action.

The examiner acknowledges the election of Group IA with traverse. The examiner finds the traverse to be persuasive, therefore claims 6-17 will be prosecuted in this office action. In regards to the rejection on the merits. The examiner finds the applicant's amendment and remarks to be persuasive, however after further consideration a new ground of rejection follows which was necessitated by amendment.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 6-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox (US 6,421,781).**

In regards to claim 6, Fox discloses a commodity purchasing method through a network, comprising the steps of:

receiving a connection request from a device (FIG 2);

determining whether the connection request includes an identifier (FIG 3), wherein the identifier corresponds to an identification code of a cellular phone (FIG 3) and wherein the identifier identifies that the connection request is from a cellular phone (FIG 3, item 302);

in response to the connection request including the identifier, performing the following steps;

storing the identifier and user status information associated with the identifier in a database contained in a system for receiving the connection request (FIG 3);

executing session control using the identifier and the user status information (col 2, lines 23-65); and

in response to the connection request not including the identifier, executing session control for the device using history information that is communicated between the system and the device (col 4, lines 24-32).

In regards to claim 7, Fox teaches executing the connection request using the appropriate session control (col 4); receiving a result from the execution of the connection request; and returning the result to the device (FIG 2).

In regards to claim 8, Fox teaches wherein the network comprises a first network for communicating with the device and a second network for communicating with the cellular phone (FIG 2, Landnet, Airnet) and the method further comprises a step of

sending the connection request to the cellular phone through the second network (FIG 2).

In regards to claim 9, Fox teaches the step of adding the identification code corresponding to the identifier to said connection request sent to the cellular phone (FIG 3).

In regards to claim 13, Fox discloses a commodity purchasing method through a network, comprising the steps of, receiving a connection request from a device;

determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular phone and wherein the identifier identifies that the connection request is from a cellular phone; and in response to the connection request including the identifier, performing the following steps:

storing the identifier and user status information, associated with the identifier in a database contained in a system for receiving the connection request;

executing session control using the identifier and the user status information (see response to claims 6-9 above).

In regards to claim 14, Fox teaches executing the connection request using the session control; receiving a result from the execution of the connection request; and returning the result to the device (FIG 2).

In regards to claim 15, Fox teaches the step of adding the identification code corresponding to the identifier to said connection request sent from the cellular phone (see response to claims 6-9 above).

In regards to claim 16, Fox discloses commodity purchasing method through a network, comprising the steps of .  
receiving a connection request from a device;

determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular phone and wherein the identifier identifies that the connection request is from a cellular phone; and

in response to the connection request not including the identifier, executing session control using history information that is communicated between a system and the device (see response to claims 6-9 above).

In regards to claim 17, Fox teaches executing the connection request using the session control; receiving a result from the execution of the connection request; and returning the result to the device (see response to claim 14).

### ***Response to Arguments***

Applicant's arguments with respect to claims 6-17 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Art Unit: 3625

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(571) 273-8300** [Official communications; including

After Final communications labeled

"Box AF"]

**(571) 273-6755** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal stroke extending to the right.

Mark Fadok

Primary Examiner